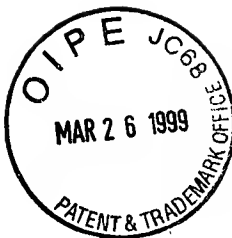


**HOWREY & SIMON**



#2  
4/27/99  
Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

March 26, 1999

**Andrea G. Reister**  
Of Counsel  
(202) 383-7438  
reistera@howrey.com

Assistant Commissioner for Patents  
Washington, DC 20231

**Application Processing Division  
Customer Correction Branch**

Re: U.S. Utility Application No. 09/252,486  
Filed: February 18, 1999  
For: Microencapsulated 3-Piperidinyl-Substituted 1,2-  
Benzisoxazoles and 1,2-Benzisothiazoles  
Inventors: Jean MESENS *et al.*  
Atty. Docket: 00166.0051.US04

**RECEIVED**

**APR 06 1999**

Sir:

**MATRIX CUSTOMER  
SERVICE CENTER**

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Request for Corrected Filing Receipt;
2. Marked-up copy of Filing Receipt showing corrections;
3. Copy of Supplemental Combined Declaration and Power of Attorney for Patent Application submitted February 18, 1999;
4. Copy of Preliminary Amendment filed February 18, 1999; and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,

Andrea G. Reister (Reg. No. 36,253)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

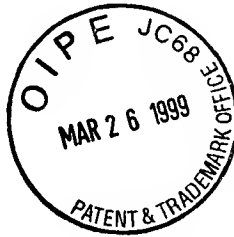
In re application of:

Jean MESENS *et al.*

Appln. No.: 09/252,486

Filed: February 18, 1999

For: Microencapsulated 3-Piperidiny-  
Substituted 1,2-Benzisoxazoles  
and 1,2-Benzisothiazoles



Art Unit: 1615

Examiner: To Be Assigned

Atty. Docket: 00166.0051.US04

*Handwritten signature/initials*

**Request for Corrected Filing Receipt**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants hereby request that a corrected Filing Receipt be issued and sent to the undersigned representative. Specifically, the following correction to the Official Filing Receipt is requested:

Please correct the continuing application data to include the two parent applications, so it reads as follows:

**CONTINUING DATA AS CLAIMED BY APPLICANT-**

THIS APPLN IS A CON OF 09/005,549 01/12/98  
WHICH IS A CON OF 08/808,261 02/28/97 (US 5,770,231)  
WHICH IS A CON OF 08/154,403 11/19/93

In support of the above request, a photocopy of the instant Filing Receipt is enclosed with the correction noted in red. In addition, enclosed is a copy of the Supplemental Combined Declaration and Power of Attorney for Patent Application submitted on February 18, 1999, indicating all applications for which priority is claimed, and a copy of the Preliminary

Amendment filed February 18, 1999, inserting the priority information on the first page of the specification. It is therefore believed proper that a corrected Filing Receipt be issued, reflecting the correction of the above-noted error. It is further requested that the corrected Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrea G. Reister", with a long horizontal flourish extending to the right.

Andrea G. Reister (Reg. No. 36,253)

Date: March 26, 1999

HOWREY & SIMON  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
(202) 783-0800

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/252,486	02/18/99	1615	\$760.00	00166.0051US	5	13	1

ANDREA G REISTER  
HOWREY & SIMON  
BOX 34  
1299 PENNSYLVANIA AVENUE N W  
WASHINGTON DC 20004-2402

RECEIVED  
DOCKET DEPT.

MAR 17 1999

HOWREY & SIMON

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JEAN MESENS, WECHELDERZANDE, BELGIUM; MICHAEL E. RICKEY,  
LOVELAND, OH; THOMAS J. ATKINS, YORK, PA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 09/005,549 01/12/98  
WHICH IS A CON OF 08/808,261 02/28/97 (US 5,770,231)  
WHICH IS A CON OF 08/154,403 11/19/93

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/09/99

TITLE

MICROENCAPSULATED 3-PIPERIDINYL-SUBSTITUTED 1,2-BENZISOXAZOLES AND  
1,2-BENZISOTHIAZOLES

PRELIMINARY CLASS: 424

DATA ENTRY BY: BROWN, ROSCOE

TEAM: 02 DATE: 03/09/99

# Supplemental Combined Declaration and Power of Attorney for Patent Application

Docket Number: 00166.0051.US03

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Microencapsulated 3-Piperidiny-Substituted 1,2-Benzisoxazoles and 1,2-Benzisothiazoles, the specification of which is attached hereto unless the following box is checked:

☒ was filed on January 12, 1998;  
as United States Application Number or PCT International Application Number 09/005,549; and  
was amended on 01/12/98; 6/5/98 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application No.) (Filing Date)

\_\_\_\_\_  
(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>08/808,261</u>	<u>February 28, 1997</u>	<u>Patented (5,770,231)</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>08/154,403</u>	<u>November 19, 1993</u>	<u>Pending</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffrey I. Auerbach, Reg. No. 32,680  
Melvin L. Barnes, Jr. Reg. No. 38,375  
Michael J. Bell, Reg. No. 39,604  
Mark R. Buscher, Reg. No. 35,006  
Celine T. Callahan, Reg. No. 34,301  
Cono A. Carrano, Reg. No. 39,623  
Joseph V. Colaianni, Reg. No. 39,948  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Joel M. Freed, Reg. No. 25,101  
Vernon Randall Gard, Reg. No. 33,886  
Alan M. Grimaldi, Reg. No. 26,599  
Alexander J. Hadjis, Reg. No. 36,540  
Albert P. Halluin, Reg. No. 25,227  
Michael N. Haynes, Reg. No. 40,014  
Rouget F. Henschel, Reg. No. 39,221

Leslie L. Jacobs, Jr., Reg. No. 40,659  
Richard H. Kjeldgaard, Reg. No. 30,186  
Joseph P. Lavelle, Reg. No. 31,036  
David R. Marsh, Reg. No. 41,408  
Kevin W. McCabe, Reg. No. 41,182  
Joseph A. Micallef, Reg. No. 39,772  
Anthony D. Miller, Reg. No. 34,394  
Karen L. Nicastro, Reg. No. 35,968  
Bradley J. Olson, Reg. No. 40,750  
Andrew Y. Piatnicia, Reg. No. 40,772  
Andrea G. Reister, Reg. No. 36,253  
Stephen J. Rosenman, Reg. No. 29,209  
Timothy L. Scott, Reg. No. 37,931  
Anthony W. Shaw, Reg. No. 30,104  
J. David Smith, Reg. No. 39,839  
Michael J. Songer, Reg. No. 39,841

Send Correspondence to:

**Andrea G. Reister**  
**HOWREY & SIMON**  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Facsimile: (202) 383-7195

Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jean Mesens	
Inventor's signature	Date
Residence Moereind 17, B-2275 - Wechelderzande, Belgium	
Citizenship Belgium	
Post Office Address Moereind 17, B-2275 - Wechelderzande, Belgium	

Full name of second inventor Michael E. Rickey	
Second inventor's signature <i>Michael E. Rickey</i>	Date 1-27-99
Residence 2938 Maureen Court, Loveland, Ohio 45140	
Citizenship USA	
Post Office Address 2938 Maureen Court, Loveland, Ohio 45140	

Full name of third inventor Thomas J. Atkins	
Third inventor's signature <i>Thomas J. Atkins</i>	Date 1/19/99
Residence 1990 High Rock Lane, York, PA 17402	
Citizenship USA	
Post Office Address 1990 High Rock Lane, York, PA 17402	

(Supply similar information and signature for subsequent joint inventors, if any)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mesens *et al.*

Appl. No. To be assigned  
(Continuation of 09/005,549)

Filed: Herewith

For: **Microencapsulated 3-Piperidinyl-  
Substituted 1,2-Benzisoxazoles  
and 1,2-Benzisothiazoles**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 00166.0051.US04

**Preliminary Amendment**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please enter the following Preliminary Amendment in the above-captioned application prior to the examination thereof.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038.



*Amendments*

*In the Claims:*

Please cancel claims 12-27 without prejudice to or disclaimer of the subject matter contained therein.

Please amend claim 1 as follows:

Claim 1, line 3, please delete "biodegradable and biocompatible" and substitute therefor --sustained-release--;

Claim 1, last line, please delete "within" and substitute therefor --and--;

Claim 1, last line, before "polymeric", please insert --biodegradable and biocompatible--.

Please add the following new claims 28 and 29.

--28. The method of claim 1, wherein the 1,2-benzazole is selected from the group consisting of 3-[2-[4-(6-fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one and the pharmaceutically acceptable acid addition salts thereof.

29. The method of claim 28, wherein the 1,2-benzazole is 3-[2-[4-(6-fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one.--

***In the Specification:***

Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of application no. 09/005,549, filed January 12, 1998, which is a continuation of application no. 08/808,261, filed February 28, 1997 (now U.S. Patent No. 5,770,231), which is a continuation of application no. 08/154,403, filed November 19, 1993.--

Page 21, line 9, after "No.", please insert --08/154,409--

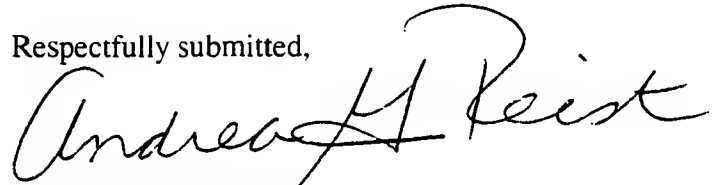
***Remarks***

Upon entry of the foregoing amendment, claims 1-11, 28, and 29 are pending in the application, with claim 1 being the only independent claim. Claims 12-27 are canceled without prejudice to or disclaimer of the subject matter therein. The specification has been amended to recite the specific reference to the earlier filed applications in accordance with 35 U.S.C. § 120, and to include an application number. These changes are believed to introduce no new matter, and their entry is respectfully requested.

**Conclusion**

Prompt and favorable consideration of this Preliminary Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Andrea G. Reister". The signature is written in dark ink and is positioned above the printed name and registration number.

Andrea G. Reister  
Registration No. 36,253

Date: February 18, 1999

HOWREY & SIMON  
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